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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,779	11/16/2001	Yoshiko Iida	862.C2439	7713
5514	7590	08/25/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ROBINSON, MYLES D	
		ART UNIT	PAPER NUMBER	
		2622		

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/987,779	IIDA ET AL.	
	<b>Examiner</b> Myles D. Robinson	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 16 November 2001.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1 - 13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 - 13 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 16 November 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/10/2002.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The examiner has considered the references listed in the Information Disclosure Statement (IDS) submitted on 1/10/2002 (see attached PTO-1449).

### *Claim Objections*

3. The following quotation of 37 CFR 1.75(a) is the basis of the objection:
  - (a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.
4. **Claims 1 – 10** are objected to under 37 CFR 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

**Claims 1 and 8** recite the limitation “a signal format” in line 7 of both claims after the limitation “a signal format” was claimed in line 5 of both claims. The applicant has failed to particularly point out and distinctly claim if the applicant is referring to the same, instant “signal format” or a unique and distinctly different “signal format” within the claim. All claims dependent upon these claims suffer the same deficiency and, therefore, are objected to as well. It is suggested that the limitation of line 7 read “a the signal format” or using language such as “similar”, “exact”, or “same” for clarity.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. ***Claims 1 – 6 and 8 – 10*** are rejected under 35 U.S.C. 102(b) as being anticipated by ***Arai et al.*** (U.S. Patent No. 5,929,906).

Referring to **claim 1**, Arai et al. disclose an image processing apparatus comprising an input unit (see Fig. 1, image input unit 10) arranged to input image data (column 5, lines 35 – 43 and column 6, lines 45 – 53), an output unit (see Fig. 1, image output unit 30) arranged to output the image data to an external device (column 5, lines 43 – 47, column 7, lines 61 – 64 and column 9, lines 19 - 23), and a controller (see Fig. 1, color correction unit 20), arranged to control a signal format of the image data to be supplied from said input unit to said output unit on the basis of a signal format of image data that can be processed by said output unit (column 7, lines 47 – 54, column 6, lines 24 – 35 and column 8, lines 49 – 56).

Referring to **claim 2**, Arai et al. disclose the apparatus further wherein said controller acquires information related to an input signal format of image data that can be input by said input unit and information related to an output signal format of the image data that can be processed by said output unit (column 8, lines 49 – 56 and

column 8, line 64 – column 9, line 4) and, on the basis of the acquired information related to the input and output signal formats, controls the signal format of the image data to be supplied from said input unit to said output unit (column 7, lines 48 – 60 and column 8 lines 10 – 13, 23 – 34).

Referring to **claim 3**, Arai et al. disclose the apparatus further comprising a converter, arranged to convert the signal format of the image data input from said input unit, wherein when image data having a signal format corresponding to the output signal format is not input from said input unit, said controller supplies image data obtained by converting the signal format by said converter to said output unit (column 5, lines 47 – 67, column 7, lines 37 – 47 and column 9, lines 5 – 8).

Referring to **claims 8 – 10**, the rationale provided in the rejection of claims 1 – 3, respectively, are incorporated herein. In addition, the apparatus of claims 1 – 3 performs the method of claims 8 – 10.

Referring to **claim 4**, Arai et al. disclose the apparatus further wherein said input unit comprises an image sensing device for acquiring image data of an object (column 5, lines 38 – 43).

Referring to **claim 5**, Arai et al. disclose the apparatus further wherein the signal format includes a colorimetric form (column 6, lines 45 – 53), spectral distribution form (column 7, lines 37 – 60), and colorimetric and spectral distribution form (column 5, lines 14 – 29).

Referring to **claim 6**, Arai et al. disclose the apparatus further wherein the image data having the colorimetric form is RGB data (column 6, lines 45 – 53).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. ***Claim 7*** is rejected under 35 U.S.C. 103(a) as being unpatentable over ***Arai et al.*** (U.S. Patent No. 5,929,906).

Referring to ***claim 7***, Arai et al. disclose the image processing apparatus as discussed above but does not explicitly disclose wherein said input and/or output unit can be detached.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the input and/or output unit to be detachable since it has been held that making separable where needed is obvious. *In re Dulberg*, 129 USPQ 348, 349 (CCPA 1961).

A suggestion/motivation exists. Arai et al. disclose the input unit includes digital cameras (see Fig. 1, image input unit 10 and column 5, lines 35 – 43), which is well known to one of ordinary skill in the art that digital cameras function both connected to and separate from another autonomous image processing system. *In re Dulberg* holds that providing separability where needed would have been obvious.

Furthermore, **claims 11 – 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Arai et al.** (U.S. Patent No. 5,929,906) in view of **Zandi et al.** (U.S. Patent No. 5,731,988).

Referring to **claims 11 – 13**, Arai et al. disclose the image processing apparatus and control method as discussed above in the rejections of claim 1 – 3 and 8 – 10, respectively, but does not explicitly disclose a computer program product storing a computer readable medium comprising a computer program code.

Zandi et al. disclose a computer program product storing a computer readable medium comprising a computer program (column 3, line 62 – column 4, line 26).

Arai et al. and Zandi et al. are combinable because they are both from the same field of endeavor, being color image processing involving color space conversion. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include a computer program product storing a computer readable medium within the image processing apparatus discussed above and to store within said computer readable medium a computer program that performs said control method steps of said image processing apparatus as discussed above. The suggestion/motivation for doing so would have been to prove convenient to construct a more specialized apparatus to perform the required method steps, as suggested by Zandi et al. (column 4, lines 17 – 20).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. **Ohyama et al.** (U.S. Patent 5,864,364) disclose a color image recording and reproducing system for spectral image photography with color conversion.
11. **Iida et al.** (U.S. Patent Application Publication 2002/0113880 A1) disclose an image processing apparatus, image processing medium, and recording medium which acquires multi-spectral images to convert to calorimetric data that an output unit can output.
12. **Iida et al.** (U.S. Patent Application Publication 2002/0071605 A1) disclose an image processing apparatus and method which acquires multi-spectral images to convert to convert to data that an output unit can output.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myles D. Robinson whose telephone number is (571) 272-5944. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDR



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